

THOMAS E. FRANKOVICH (State Bar #074414)
 JESSICA A. DAYTON (State Bar #231698)
 THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION
 2806 Van Ness Avenue
 San Francisco, CA 94109
 Telephone: 415/674-8600
 Facsimile: 415/674-9900

Attorneys for Plaintiffs
 JAREK MOLSKI
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES: HELPING YOU
 HELP OTHERS

****E-filed 10/13/05****

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and
 DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES: HELPING YOU HELP
 OTHERS, a California public benefit
 corporation,

Plaintiffs,

v.

ROUND TABLE PIZZA SANTA CRUZ,
 WALT ELLER TRAILER SALES OF
 MODESTO, INC., a California
 corporation, WALT ELLER TRAILER
 SALES OF MERCED, INC., a California
 corporation; and IT'S A DUNN DEAL, a
 California corporation dba ROUND
 TABLE PIZZA,

CASE NO. C04-2438 JF

**STIPULATION OF DISMISSAL AND
 ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement"), each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

IT IS SO STIPULATED.

Dated: September 22, 2005

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

By: _____/s/_____
Jessica A. Dayton
Attorneys for Plaintiffs JAREK MOLSKI and
DISABILITY RIGHTS, ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU HELP
OTHERS

Dated: September 26, 2005

FORTUNE DREVLLOW, ET. AL.

By: _____/s/_____
Patricia H. Perry
Attorneys for defendants IT'S A DUNN DEAL, a
California corporation; WALT ELLER TRAILER
SALES OF MODESTO, INC., a California
corporation, WALT ELLER TRAILER SALES
OF MERCED, INC., a California corporation

ORDER

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

DATED: 10/13/05, 2005

/s/electronic signature authorized

Hon. Jeremy Fogel
United States District Judge